

UNITED STATES DISTRICT COURT

Southern District of New York

UNITED STATES OF AMERICA

v.

DRAGOS DIACONU

JUDGMENT IN A CRIMINAL CASE

Case Number: 01:19crim651-12 (LTS)

USM Number: 87318-054

Valerie A. Gotlib, Esq.

Defendant's Attorney

THE DEFENDANT:

X pleaded guilty to count(s) Three (3)

G pleaded nolo contendere to count(s)

which was accepted by the court.

G was found guilty on count(s)

after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC 1028A(a)(1) and (b)	Aggravated identity theft.	9/2019	Three (3)

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

G The defendant has been found not guilty on count(s)

X Count(s) and any underlying indictment(s) G is X are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

July 21, 2020

Date of Imposition of Judgment

/s/ Laura Taylor Swain

Signature of Judge

Laura Taylor Swain, U.S.D.J.

Name and Title of Judge

July 24, 2020

Date

DEFENDANT: DRAGOS DIACONU
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IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

24 months of imprisonment as to Count Three (3), to run consecutively to the custodial portion of Defendant's Tennessee sentence, which ended August 23, 2019. **NO TERM of supervised release to follow.**

☒ The court makes the following recommendations to the Bureau of Prisons:
to compute the sentence to run from November 6, 2019, the date on which the Defendant was arrested on the instant charges.

The Court recommends to the BOP that the defendant be designated to serve the remainder of his sentence at MDC Brooklyn, to avoid the necessity for quarantine in connection with transfer to another facility.

The Court recommends that the BOP provide Defendant's attorney, Valerie Gotlib, Esq. (225 Broadway, Ste 2815, New York, N.Y. 10007, or email to valerie@gotliblaw.com) with a copy of each BOP communication to Defendant concerning the computation of his sentence.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$	\$ <u>553,424.00</u>

☐ G The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☒ X The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss**</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Clerk of Court for the United States District Court Southern District of New York for disbursement to:			
First Tennessee Bank		\$528,144.00	
and			
Scenic Community Credit Union		\$25,280.00	

TOTALS	\$ _____	\$ <u>553,424.00</u>
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☐ G Restitution amount ordered pursuant to plea agreement \$ _____

☐ G The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ X The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ X the interest requirement is waived for the ☐ G fine ☒ X restitution.

☐ G the interest requirement for the ☐ G fine ☐ G restitution is modified as follows:

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- G not later than _____, or
X in accordance with G C, G D, G E, or X F below; or
- B ☐ Payment to begin immediately (may be combined with G C, G D, or G F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

While serving the term of imprisonment, the Defendant must make installment payments toward the restitution obligation and may do so through the BOP's Inmate Financial Responsibility Plan. Pursuant to this policy, the BOP may establish a payment plan by evaluating the Defendant's six-month deposit history and subtracting an amount determined by the BOP to be used to maintain contact with family and friends. The remaining balance may be used to determine a repayment schedule. BOP staff shall help the Defendant develop a financial plan and shall monitor his progress in meeting his restitution obligation.

After Defendant is released from custody, the Defendant must make payments toward any restitution by paying 10% of the Defendant's gross monthly income towards the outstanding restitution on the first day of each month. The Defendant's payments must be made to the Clerk of this Court, (U.S. District Court for the Southern District of New York), for distribution to the victims identified in the Order of Restitution. The collection of amounts unpaid will be administered by the U.S. Attorney's Office's collection unit. The Government may use the judgment collection mechanisms available under the applicable law if the Defendant defaults on the payment schedule. The Government is encouraged to engage in collection activities in a manner not inconsistent with the Defendant's ability to provide reasonably for the Defendant's needs and those of his dependents.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

X Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

**** SEE NEXT PAGE. ****

G The defendant shall pay the cost of prosecution.

G The defendant shall pay the following court cost(s):

G The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JvTA assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

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ADDITIONAL DEFENDANTS AND CO-DEFENDANTS HELD JOINT AND SEVERAL

Case Number

Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
1:19crim651-Mircea Contantinescu (1)	TBD	TBD	TBD
1:19crim651-Nikolaos Limberatos (2)	TBD	TBD	TBD
1:19crim651-Cristian Costea (3)	TBD	TBD	TBD
1:19crim651-Alin Hanes Calugaru (4)	TBD	TBD	TBD
1:19crim651-Ionela Contantinescu (5)	TBD	TBD	TBD
1:19crim651-Theofrastos Lymberatos (6)	TBD	TBD	TBD
1:19crim651-Andrew Elipoulos (7)	TBD	TBD	TBD
1:19crim651-Valentin Petrescu (8)	TBD	TBD	TBD
1:19crim651-Peter Samolis (9)	TBD	TBD	TBD
1:19crim651-Kelly Karki Lam (10)	TBD	TBD	TBD
1:19crim651-George Serban (11)	TBD	TBD	TBD
1:19crim651-Dragos Diaconu (12)	TBD	TBD	TBD
1:19crim651-Madlin Alexandru Anca (13)	TBD	TBD	TBD
1:19crim651-Cristian Ulmanu (14)	TBD	TBD	TBD
1:19crim651-Iuliana Muhailescu (15)	TBD	TBD	TBD
1:19crim651-Florian Claudiu Martin (16)	TBD	TBD	TBD
1:19crim651-Alex Donati (17)	TBD	TBD	TBD
1:19crim651-Raul Ionut Vidrasan (18)	TBD	TBD	TBD
1:19crim651-Nicolae Daniel Pepy (19)	TBD	TBD	TBD
1:19crim651-Alexandru Radulescu (20)	TBD	TBD	TBD
1:19crim651-Alexandru Iordache (21)	TBD	TBD	TBD
1:19crim651-Robert Duczon (22)	TBD	TBD	TBD
1:19crim651-Dan Mirica (23)	TBD	TBD	TBD
1:19crim651-Claudiu Costinel Mihai (24)	TBD	TBD	TBD
1:19crim651-David Georgescu (25)	TBD	TBD	TBD
1:19crim651-Andrei Razvan Rusu (26)	TBD	TBD	TBD
1:19crim651-Claudiu Vaduva (27)	TBD	TBD	TBD
1:19crim651-Gabriel Orzanica (28)	TBD	TBD	TBD